



Atty. Dkt. No. 033337-0131

#5  
2/19/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John MELLERT et al.

Title: SYSTEMS AND METHODS FOR RELIABLE  
COMMUNICATION OF LINK MONITORING INFORMATION  
IN OPTICAL COMMUNICATIONS NETWORKS

Appl. No.: 09/927,439

Filing Date: 08/13/2001

Examiner: Unassigned

Art Unit: 2872

RECEIVED  
JAN 23 2003  
TECHNOLOGY CENTER 2800

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR 2003 §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

RECEIVED  
JAN 22 2003

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

RECEIVED  
JAN 27 2003

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, within three (3) months of the mailing date of the foreign search report, and within thirty (30) days of receipt of the foreign search report.

**RELEVANCE OF EACH DOCUMENT**

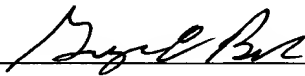
Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report is attached setting forth the portion of each document considered relevant by the examiner. A copy of U.S. Patent No. 6,134,032 cited in the International Search Report was submitted with an Information Disclosure Statement filed February 11, 2002; therefore this reference is not being submitted herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 01/22/2003

By 

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 945-6014

Facsimile: (202) 672-5399

George C. Beck  
Attorney for Applicant  
Registration No. 38,072

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|  |   |    |   |                          |                     |  |
|--|---|----|---|--------------------------|---------------------|--|
| Substitution for form 1449B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>Date Submitted: <b>01/22/03</b><br><i>(use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                     |  |
|  |   |    |   | Application Number       | 09/927,439          |  |
|  |   |    |   | Filing Date              | 08/13/2001          |  |
|  |   |    |   | First Named Inventor     | John MELLERT et al. |  |
|  |   |    |   | Group Art Unit           | 2872                |  |
|  |   |    |   | Examiner Name            | Unassigned          |  |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | 033337-0131         |  |

[illegible][illegible]

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS |                       |  |                |
|---|-----------------------|--|----------------|
| Examiner Initials*                                | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, D.C. 20231.